

### **REMARKS/ARGUMENTS**

Claims 2-7, 10, 22-31 and 35 are pending in the case. Upon entry of this Amendment, Claims 22 and 23 will be cancelled. Thus Claims 2-7, 10, 24-31 and 35 will remain pending in the case.

Applicants acknowledge with appreciation that the objection to Claim 10 has been withdrawn.

Applicants acknowledge with appreciation that the rejection of Claim 10 under 35 U.S.C. Section 112, second paragraph has also been withdrawn.

Claims 2-7, 10, 22-31 and 35 are rejected under 35 USC Section 112, first paragraph, as containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention. The heart of the rejection is that the claims do not require that the recited complete or partial insect acetylcholine receptor subunits must be encoded by nucleotides 372-2681 of SEQ ID NO: 1, nucleotides 335-1822 of SEQ ID NO: 3 or nucleotides 95-1597 of SEQ ID NO: 5, alleging that for this reason, the claims embrace nucleic acids encoding any complete or partial insect acetylcholine receptor subunit having the ability to form homooligomeric acetylcholine receptors when expressed in host cells where it contains these nucleotides.

Claims 2-7, 10, 22-31 and 35 stand rejected under 35 USC Section 112, first paragraph, acknowledging that while the specification is enabling for nucleic acids which encode the polypeptides of SEQ ID NOS: 2, 4, and 6, but alleging that the specification does not reasonably provide enablement for nucleic acids encoding a functional insect homooligomeric acetylcholine receptor as broadly claimed. The heart of the rejection is that the claims do not require that the complete or partial insect acetylcholine receptor subunit must be encoded by nucleotides 372-2681 of SEQ ID NO:1, nucleotides 335-1822 of SEQ ID NO: 3 or nucleotides 95-1597 of SEQ ID NO:5, only requiring that these sequences must be present in the nucleic acid.

At pages 7-8 of the Office Action, the Examiner suggests that the last three lines of Claim 35 should be amended to read "wherein nucleotides 372-2681 of SEQ Mo-5176

ID NO:1, nucleotides 335-1822 of SEQ ID NO:3, and nucleotides 95-1597 of SEQ ID NO: 5 encode an acetylcholine receptor subunit having the ability to form homooligomeric acetylcholine receptors when expressed in a host cell". The office action also suggests cancellation of Claims 22-23 even after these amendments alleging that they would still embrace inadequately described species, even if Claim 35 were so amended.

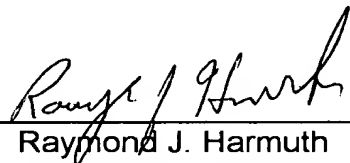
Applicants respectfully traverse these grounds of rejection, alleging that the claims as they stood prior to this amendment fully satisfied the requirements of 35 USC Section 112.

However, to remove issues from its case and advance its prosecution, Applicants have accepted the Examiner's suggestions on pages 7-8 of the Office Action.

Applicants believe the case is in condition for allowance, and allowance of the pending claims is respectfully requested.

Respectfully submitted,

By



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